IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

OP.No. 12504 of 2002(L)

PETITIONER:

**JASEELA M.P., W/O.T.P.ABDUL HAMEED,\
AGED 34 YEARS, MADAPPATTAMALIL, KUMMANAM P.O.,
KOTTAYAM, NOW RESIDING AT THYKOOTTATHIL HOUSE,
HIDAYATH JUNCTION, CHANGANACHERRY,(JR.CLERK,CIRLCE
CO-OPERATIVE UNION, OFFICE OF THE ASST. REGISTRAR,
CO-OPERATIVE SOCIETIES(GENERAL) KOTTAYAM.**

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENTS:
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1. **THE DISTRICT CO-OPERATIVE BANK, KOTTAYAM
REPRESENTED BY IT'S GENERAL MANAGER, OFFICE OF THE
DISTRICT CO-OPERATIVE BANK, KOTTAYAM .**

2. **THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY IT'S SECRETARY, PATTOM,
THIRUVANANTHAPURAM.**

3. **THE DISTRICT OFFICE,
KERALA PUBLIC SERVICE COMMISSION, KOTTAYAM.**

4. **STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL, SECRETARY CO-OPERATION DEPARTMENT,
THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
BY GOVERNMENT PLEADER SRI.MANOJ**

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/03/2007, ALONG WITH OP NO. 37259 OF 2002 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.21304/2002 IN OP. NO.12504/2002

DISMISSED

28.03.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RELEVANT EXTRACT OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE MEMO DT.23.3.02 ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.Nos.12504 & 37259 of 2002

Dated 28th March, 2007.

J U D G M E N T

The crucial question to be considered in these writ petitions is whether the petitioner is qualified for appointment against 50% of the vacancies in the District Cooperative Bank, Kottayam, reserved for the employees of the Primary Cooperative Societies. Admittedly, the petitioner is not an employee of any primary cooperative society. The contention of the petitioner however is that she was permitted to participate in the selection process on the basis of her service in the Circle Cooperative Union. Learned counsel for the petitioner, placing reliance on the decision of the Supreme Court in **Benny T.D. v. Registrar, Co-op.Societies** (AIR 1998 S.C.2012) submits that at the relevant time, the experience in the Primary Cooperative Society can only be treated as an additional qualification and not as reservation. Even assuming there is some force in the contention taken by the petitioner, still the fact remains that she had no experience in the Primary Cooperative Society. Her experience is only in the Circle Cooperative Union. The further contention is that the qualification for appointment to the Circle Cooperative Union and qualification

for appointment to the Primary Cooperative Society is one and the same and hence the experience of the petitioner in the Circle Cooperative Union should be treated as equivalent to the experience in the Primary Cooperative Society. I am afraid, the said contention cannot be appreciated. The experience gained out of the service in a Primary Cooperative Society is different from that of the experience gained out of the service in a Circle Cooperative Union. The former is service sector and the latter is administrative work. In that view of the matter, it cannot be said that the petitioner possessed the required experience in the Primary Cooperative Society, which was *sine qua non* for consideration against the 50% of the vacancies reserved in the respondent Cooperative Bank. In that view of the matter, it is not necessary for this Court to go into the further contention that in any case, the petitioner should have been given an opportunity by the Commission before cancellation of advice. The writ petitions are accordingly dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.Nos.12504 & 37259 of 2002

J U D G M E N T

Dated 28th March, 2007.